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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,622	01/16/2002	Wilhelm Mausser	ANDPAT/162/US	4058

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ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD, CT 06103

EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/047,622

Applicant(s)

MAUSSER ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8, "without any losses" is indefinite and vague. What is without any losses?

Claim 1 recites the limitation "the nip" in line 5; "the pressure force" in line 8. There are insufficient antecedent basis for these limitations in the claim.

Claim 8 recites the limitation "the secondary arm" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Klerelid et al, U.S. Patent No. 5845868.

Referring to claim 1, Klerelid et al does teach a process for continuous reeling of a paper by running the paper sheet over a reel drum 19; winding the paper sheet on a

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horizontal reel 26; pressing the paper in a nip between the horizontal reel 26 and the reel drum 19; and measuring a pressure force in the nip without any losses of force using a load sensor 45, a sensing device 35, and a controller 43 to maintain the pressing force at the reel drum 19 in the direction of the force during the entire winding process as shown in Figs. 1-3.

Referring to claims 2 and 4, Klerelid et al apparatus controls the pressure force in the nip at a desired level using the measured reading from the load sensor, the sensing device, and the controller as shown in Figs. 1-3.

Referring to claims 3, Klerelid et al show the step of controlling the pressure force with a pressure cylinder 44 as shown in Fig. 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klerelid et al, U.S. Patent No. 5845868.

Referring to claim 5, Klerelid et al show a horizontal reel 26 adapted for having the paper sheet wound thereon; a reel drum 19 adapted for pressing the paper sheet onto the horizontal reel 26; and a primary arm 28 including a load sensing device 45

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located in a reel drum 19, the horizontal reel and the paper wound thereon being supported on the load sensing device as shown in Figs. 1-3.

Klerelid et al does not have a primary arm with a load sensing device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Klerelid et al and attach a load sensing device onto the primary arm rather than onto the reel drum as a choice of design because having a primary arm with a load sensing device lacks any disclosed criticality and is thus obvious, and has no advantage over a reel drum with a load sensing device.

Referring to claim 6, Klerelid et al teach the primary arm 28 and a hydraulic cylinder (no reference number assigned) supported on a plurality of roller bearings (no reference number assigned) as it moves up and down, as shown in Fig. 1.

Referring to claim 7, Klerelid et al does not have the load sensing device integrated into the hydraulic cylinder.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Klerelid et al and integrate a load sensing device into the hydraulic cylinder than onto the reel drum as a choice of design because having a load sensing device integrate with the hydraulic cylinder lacks any disclosed criticality and is thus obvious, and has no advantage over a reel drum with a load sensing device.

Referring to claims 8, Klerelid et al teach a horizontally adjustable holding device 37 supporting the horizontal reel 26 and paper sheet 25 wound thereon, the load sensing devices 45 being disposed within the holding device 37 as shown in Figs. 1-3.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application No. 10/047961. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim a process and apparatus for continuously reeling a pulp sheet without any losses of force in the nip, the claims of the two applications differing only by minor phraseology which does not affect the scope of the invention.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references of record show other exemplary process and device for continuous reeling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 308-0552 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

3/15/03



KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600